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March 6, 2015

FCC, Office of the Secretary
445 12th Street WS
Washington, DC 20554

Madame Secretary:

I am submitting this to appeal Universal Service Administration Company's School and Libraries division Funding Commitment Decision Letter denying a request for Priority I Web service for 2015 – 2016. The USAC Form 471 is 686393 and the FRN is 2699456. The facts are found below

Appellant Contact: Don Mellody, ERate Coordinator
100 North University
Fort Worth, Texas 76107-1360
Phone: (817) 814-3087 Fax: (817) 814-3006
Email: don.mellody@fwisd.org

Appellant Alternate: Aaron Stone, Dir. Strategic Operations
100 North University
Fort Worth, Texas 76107-1360
Phone: (817) 814-3087 Fax: (817) 814-3006
Email: aaron.stone@fwisd.org

Billed Entity Number: 140887
Billed Entity: Fort Worth Independent School District
Service Provider Number: 1430278282
Service Provider: Edline, LLC

This appeal is based on the following information:

1. We believe the PIA Reviewer wrongly calculated the discount rate at 86%. All BENs included in this application's Block IV were included in 471 990657 and FRN 2703234 – 2703237. The reviewer states "The discount for entity Hazel Harvey Peace El. School 16058310 was decreased from 90% to 20%. The applicant failed to supply documentation to support the requested discount." However, the NSLP data provided Schools and Libraries by Texas Education Agency documents a Free and Reduced percentage of 72%. So, the discount for 16058310 would at a minimum be 80%. Therefore, the discount for this Block IV would remain at 87%.
2. This FCDL states "The applicant has not provided sufficient documentation needed to determine the eligibility..." On September 30, 2014 the PIA Reviewer submitted a letter

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requesting more detailed documentation. The letter states "It is important that we receive all of the information within 15 calendar days..." Then the letter goes on to state "If we do not receive the requested information by 09/30/2014, your application(s) will be reviewed using the information currently on file. We were not given the 15 days as stated in the letter. Also, on October 3rd at the close of a review phone call with Robin Greateorex I asked if there was any additional application information needed. At that time I was told no.

3. Monday October 6th – I called Lorena McLean to make sure all necessary information had been provided. Then I was told no they didn't have documentation for the application (989393). The application was being denied and I would have to file an appeal.

I have also enclosed a copy of my response to the last set of questions I was told was not needed. Please note my response was prepared and ready on September 30th.

Thank you for this opportunity to request a review of staff's decision to deny this application. I you have any additional questions please call. I look forward to the talking with you and explaining our opinion regarding this recent PIA review.

Sincerely,

Don Mellody

Enclosure: Letter dated September 30, 2014

FY 2014 E-rate Application Information Request

September 30, 2014

Contact Name: Don Mellody
Applicant Name: FORT WORTH INDEP SCH DISTRICT
FCC Form 471 Application Number(s): **989393 Web Hosting**
Response Due Date: 09/30/2014

Dear Applicant:

You were recently sent a written request for additional information needed by the Program Integrity Assurance (PIA) team to review your Funding Year 2014 FCC Form 471 Applications for E-rate discounts. This is a reminder that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

I. Issue

Based on the documentation that you have provided during the review of your Funding Year 2014 FCC Form 471 application **989393** for FRN **2699456** it is not sufficient to determine the eligibility of your request. The documentation does not clearly identify the products and services being requested in this FRN.

For additional information on service categories, please refer to the USAC website at:
<http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx>

Questions

To assist us in the review of your application, we need the following information:

1. Please provide more detailed documentation that identifies the actual products and services being requested. Your documentation should identify the specific products and services such as make, model, and description of the product and service being delivered.
2. If you do not have this information, you will need to contact your vendor and request such documentation. The vendor should be able to provide you with detailed documentation regarding the products and services you are requesting. Examples of supporting documentation are contracts, vendor quotes, vendor bills, invoices, etc.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in the denial or reduction of your funding request(s).

II. Issue

Based on the review of your Funding Year 2014 FCC Form 471 application **989393** the same contract number is listed under your prior Funding Year 2013 FCC Form 471 application **913932**. However, the

Contract Expiration Date (CED) you entered under Block 5, Item 20b for this year's request is different than the CED that appears on your prior funding year request.

The Program rules require that a new FCC Form 470 be posted to the USAC website for at least 28-Days prior to extending an existing contract unless the establishing FCC Form 470 or RFP (if any) for the original contract made all potential bidders aware of your plans to extend the contract beyond its initial term.

For additional information on contracts, see: <http://www.usac.org/sl/applicants/step03/contracts.aspx>.

Listed below is the discrepancy noted in the CED between this year's and the prior year's requests:

FY2014 FRN	CED	FY2013 FRN	CED
2699456	06/30/2018 I should have entered 06/30/2015. The reason for the confusion is RFP 13-077 is a multi year bid and it includes an option for 4 annual renewals. So, if all the options are exercised the CED would be 06/30/2018 and that is what I entered.	2490707	06/30/2014

Questions

To assist us in the review of your application, we need the following information:

1. A copy of the full original contract, signed and dated by the applicant. See [Attachment I](#).
2. Copy(ies) of any contract extension(s), signed and dated by the applicant.
3. Any bid documentation related to the original contract. See [Attachment II](#).
4. Were the services procured under a State Master Contract? ____ Yes ☒ No
a. If Yes, what is the name and number of the State Master Contract?
5. Is the State Master Contract available online or been previously submitted to us in connection with the review of another FCC Form 471 application? ____ Yes ____ No
a. If Yes, what is the FCC Form 471 application that was involved?
b. If No, please provide a copy of the State Master Contract
6. Did the CED change from what was reported on your prior year request? ☒ Yes ____ No
Yes, because this is a Multi Year contract awarded with the option for four renewals. The correct CED is 06/30/2015.
7. Was the FCC Form 470 # 612580001082229 the FCC Form 470 that established the competitive bidding process for the contract extension? ☒ Yes ____ No
a. If Yes, please confirm in writing. 612580001082229 is the number of the 470 submitted for creation of the multi year contract.
b. If No, please provide the 15-digit FCC Form 470 number that established the competitive bidding process for the contract extension. (If the correct FCC Form 470 was posted by your State and if the requested service is being purchased from a State Master Contract, please let us know.)

The FCC Form 470 that established the bidding is: _____

8. Was a FCC Form 470 posted for the required 28 day period for the extension?

☒ Yes ☐ No

a. If Yes, please confirm in writing. Yes, 470 # 61258000108229 was posted and certified on 12/18/2012 and was available in excess of mandatory 28 days.

b. If No, please provide an explanation.

9. Was the CED changed based on an extension option/clause in the original FCC Form 470 or RFP?

☒ Yes ☐ No

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

III. Issue

Based on the review of your Funding Year 2014 FCC Form 471 application 989393 and/or the documentation that you have provided, we were not able to determine the eligibility of **OUTDOOR LEARNING CENTER – 87211**. An eligible entity providing classroom instruction must meet the statutory definition of an elementary or a secondary school found in the No Child Left Behind Act of 2001 (20 U.S.C. Section 7801 (18) and (38)) which is not operating as a for-profit business, and does not have an endowment exceeding \$50 million.

Please remove 87211 OUTDOOR LEARNING CENTER from all applications.

For additional information on funding requests to non-instructional facilities, see: Educational Purposes – <http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services/educ-purposes.aspx>.

Questions

To assist us in the review of your application, we need the following information:

#	Questions	Your Response
1	Please provide any documentation that will verify that the entity meets the statutory definition provided above of an elementary or secondary school.	<input type="checkbox"/> Enclosed
2	Is your entity a non-instructional facility (NIF)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
a	If No, You do not need to answer the questions below.	
b	If Yes or Unsure, NIF entities can be eligible for services under certain circumstances. To help us verify if the above entity is a NIF, please provide a written Yes or No response to the following questions. <u>This ranch located on the Texas prairie provides students with an opportunity to experience ranch life in a 1800's Texas ranch ecosystem. This out door living life science classroom includes native American life, agricultural practices, natural resources, and wildlife.</u>	

Note: Your responses to these questions should be based on the amount of funds you are requesting on the FRN, which may be after cost-allocation has taken place. For example, a school could be requesting only the school portion of a combined church/school phone bill and identify the portion that is "used for school business by school employees."

#	Questions	YES	NO
1	Is the non-instructional facility used solely for school, school district or library business?	X	
2	Do only school, school district or library employees use the non-instructional facility?	X	
3	If you responded No to either question 1 or 2 above, is a portion of the facility used for school, school district or library business?	X	
a	If Yes, please provide a cost allocation for the portion of the facility used for school, school district or library business. Cost allocation: \$ 0. Costs for POTS service is not included in the application request.	X	
4	Are there any classrooms in the non-instructional facility? <u>There is an open air pavilion for group meetings and classroom instruction.</u>		X

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

IV. Issue

Based on the review of your Funding Year 2014 FCC Form 471 application 989393 we were not able to validate your requested discount percentage of the following entities.

For additional information on calculating your discount level, see:
<http://www.usac.org/sl/applicants/step04/discounts.aspx>.

Listed below are the entities and the requested discount percentage:

Entity	Requested Discount
WOMEN'S HAVEN	80 % Remove from application
CHILDREN'S MEDICAL CENTER	80 % Remove from application
WILLOUGHBY HOUSE	90 % Remove from application
BRIDGE ASSOC	90 % Remove from application
DETENT CENTER	80 % Remove from application
TARRANT YOUTH RECOVERY	80 % Remove from application
PATHWAYS II JJAEP 90% Supporting data was provided on 09/23/2014 in response to Application #s 990657, 987640, 986390 and 989393. FWISD does not provide meals to JJAEP and the BENs listed above. Additionally, federal and state privacy laws restrict data disclosure for JJAEP and the entities listed below. See the attached report dated 10/13/2014	
HAZEL HARVEY PEACE ELEMENTARY SCHOOL 90 % Supporting data was provided on 09/23/2014 in response to Application #s 990657, 987640, 986390 and 989393.	

Questions

To assist us in the review of your application, please provide the appropriate documentation as described in the options listed below.

Option 1: NSLP Participation

If the school participates in the National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or Director of Food Services) of a

Reimbursement Claim Form that the school sends to the state each month as part of their participation in the program. The signed Reimbursement Claim Form should include the signature of the school official, the signature date, and the Claim Form's date. Make sure that the following three items are identified on the claim form:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

If the school district fills out an aggregate claim form for the school, please provide a signed letter on school letterhead from a school official (preferably the Superintendent or other chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the information that appears on the claim form.

Option 2: Survey

If the discount percentage was determined by information obtained from an income survey or application (NSLP Lunch Application forms cannot be used as survey or application instruments), please provide the following information on school letterhead signed by a chief school official (such as the Principal, Vice Principal, Superintendent or Director of Food Services):

- a. Total number of students enrolled at the school
- b. Total number of surveys/applications sent out (If a single survey is sent to households with more than one student, please indicate the total number of students represented by the surveys)
- c. Total number of surveys/applications returned (If a single survey is sent to households with more than one student, please indicate the total number of students represented by the surveys)
- d. Total number of students qualified for participation in NSLP based upon the information provided in the returned surveys/applications
- e. Are the surveys/applications and results kept on file? ____ Yes ____ No
 - a. If Yes, for how long are they kept on file?
- f. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a of Block 4 of the FCC Form 471

Provide a sample copy of a FILLED OUT SURVEY OR APPLICATION with the child's personal information crossed out for confidentiality. **Be advised that in order for a survey to be acceptable it must contain the family's name, student's name, the size of the family and the income level of the family.**

A school cannot include in their numbers other alternative methods, such as sibling match, direct certification etc., and then extrapolate as well. Schools may combine multiple alternative methods, such as survey results, sibling match, direct certification etc., but must ensure that the same students are not counted multiple times, and cannot extrapolate the results from multiple surveys.

Option 3: Financial Aid forms

If the discount percentage was determined by information obtained from a financial aid form, please provide the following information in writing on school letterhead signed by a school official (such as the Principal, Vice Principal, Superintendent, or chief school official):

- a. Total number of students enrolled
- b. A statement that confirms "all students have access to financial aid forms
- c. A statement that confirms that financial aid applicants are required to submit Federal Tax forms to document family income
- d. A statement that confirms the number of students who meet the NSLP Income Guidelines
- e. A statement that confirms the number and percentage of eligible students that supports the requested E-rate discount level
- f. A statement that confirms the school keeps all completed financial aid application on file.
- g. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a of Block 4 of the FCC Form 471

The school must submit one completed financial aid application, with personal information blackened out. The financial aid application must have been completed within two years of the start of the fund year.

Option 4: State Department of Education Verification

Provide a letter from your State Department of Education (on state letterhead and signed by a chief official at the State Department of Education) verifying that the total student enrollment and the free and reduced figures you provided are accurate.

Option 5: Letter from State Food/Nutrition Office

Provide a letter from your State Food/ or Nutrition Service Authority officials (on state letterhead and signed by a chief official of the State or Nutrition Service Authority) verifying the total student enrollment and the free and reduced figures you provided are accurate.

Option 6: Other Methods

If the discount percentage was determined using a different method than any of the methods identified above, please clearly describe and explain the survey method that was used and provide all relevant data, forms, or other tools that were used during the survey process. For example, a school has a changing student population in a given school year as the school provides educational services to students drawn from other school.

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your application(s). **If we do not receive the requested information by**

09/30/2014, your application(s) will be reviewed using the information currently on file. Failure to send all of the information requested may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel your FCC Form 471 application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

A copy of this correspondence is being forwarded to your State E-rate Coordinator for informational purposes only.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Lorena McLean
Associate Manager, PIA Reviewer
30 Lanidex Plaza West | Parsippany, NJ 07054
T: 973.581.7580 | F: 973.599.6513
lorena.mclean@sl.universalservice.org



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

January 06, 2015

Don Mellody
Fort Worth Indep Sch District
100 North. University Drive
Fort Worth, TX 76107-1360

Re: Applicant Name: FORT WORTH INDEP SCH DISTRICT
Billed Entity Number: 140887
Form 471 Application Number: 989393
Funding Request Number(s): 2699456
Decision Letter Date: October 16, 2014
Date Appeal Postmarked: December 16, 2014
Your Correspondence Dated: December 15, 2014

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company